

April 22, 2005

ROGER KELL
14511 NE 49TH CIRCLE
VANCOUVER WA 98606

Subject: Complaint filed against the Marcus Boldt campaign – PDC Case #05-111

Dear Mr. Kell:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint, received October 26, 2004, alleging that the Marcus Boldt campaign accepted a contribution in excess of \$5,000 from a single source within 21 days of the general election, failed to file special reports of Last Minute Contributions, and failed to use correct filing dates for four of its C-4 reports.

Your complaint was reviewed in light of the following statutes:

RCW 42.17.080 and .090 require candidates to file reports of contributions and expenditures. The reports must be timely, complete, and accurate. A PDC form C-3 must be completed for each bank deposit, and must be filed monthly, except for the four months preceding the election, when a C-3 must be filed each Monday. Except for special reports due 21 and 7 days before each election, a PDC form C-4, summarizing contributions and expenditures, must be filed monthly for periods in which the candidate's committee raised or spent at least \$200 since the close of its last C-4 report.

RCW 42.17.105 requires candidates to file special reports of contributions of \$1,000 or more in the aggregate received from one source within a special reporting period. The reports may be filed electronically. This section also prohibits candidates from accepting contributions of more than \$5,000 in the aggregate from one source within 21 days of a general election.

You alleged that the Marcus Boldt campaign accepted a contribution of \$4,999 from the Washington Association of Realtors on October 13, 2004, bringing the campaign's aggregate contributions from this source to \$5,249 during the 21 days before the general election.

We found:

- The Boldt campaign received \$250 from the Realtors PAC on September 24, 2004, outside of the 21-day period.
- The \$4,999 contribution received on October 13, 2004 was the Realtors' only contribution to the Boldt campaign within 21 days of the general election, and was within the \$5,000 limit.

You alleged that the Marcus Boldt campaign received contributions in excess of \$1,000 from four sources during the special 21 day reporting period before the general election, and failed to file special reports of Last Minute Contributions.

We found:

- The Boldt campaign received two contributions in excess of \$1,000 on October 13, 2004, one from the 49th Legislative District Committee in the amount of \$1,500 and one from the Washington Association of Realtors PAC in the amount of \$4,999. On October 13, 2004, the Boldt campaign electronically filed a C-3 report listing the two contributions.
- The Boldt campaign received two contributions in excess of \$1,000 on October 18, 2004, one from Hinton Development Corporation in the amount of \$2,500 and one from Columbia Rim Construction, Inc. in the amount of \$2,500. On October 18, 2004, the Boldt campaign electronically filed a C-3 report listing the two contributions.

These two C-3 reports satisfied both the last minute contribution reporting requirement found in RCW 42.17.105 and the disclosure requirement for contributions, found in RCW 42.17.080 and .090.

You alleged that the Boldt campaign failed to file a C-4 report for the month of May 2004, and that the campaign used reporting periods for the C-4 reports filed July 5, August 1, September 7 and October 10, 2004 that did not cover the exact reporting periods listed on the PDC reporting schedule.

We found:

- A C-4 report was not required for May 2004 because there was no activity.
- The June C-4 report filed July 5, 2004 did not include activity for June 1 - 10 because activity for the first 10 days of June had already been timely reported by June 10, 2004.
- The C-4 report filed August 1, 2004 did not include activity for July 1 – 5 because activity for the first five days of July was filed July 5, 2004.
- The C-4 report filed September 7, 2004 was timely filed and covered the correct reporting period of August 18 - September 6, 2004.

- The C-4 report filed October 10, 2004 was timely filed and covered the correct reporting period of September 7 – October 5, 2004.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Marcus Boldt campaign.

If you have questions, please feel free to contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

C: Marcus Boldt